

**125.2 Definitions.**

For purposes of this chapter, unless the context clearly indicates otherwise:

1. “*Board*” means the state board of health created pursuant to chapter 136.
2. “*Chemical dependency*” means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.
3. “*Chemical substance*” means alcohol, wine, spirits, and beer as defined in chapter 123 and controlled substances as defined in section 124.101.
4. “*Chief medical officer*” means the medical director in charge of a public or private hospital, or the director’s physician-designee. This chapter does not negate the authority otherwise reposed by chapter 226 in the respective superintendents of the state mental health institutes to make decisions regarding the appropriateness of admissions or discharges of patients of those institutes, however, it is the intent of this chapter that a superintendent who is not a licensed physician shall be guided in these decisions by the chief medical officer of the institute.
5. “*Chronic substance abuser*” means a person who meets all of the following criteria:
  - a. Habitually lacks self control as to the use of chemical substances to the extent that the person is likely to seriously endanger the person’s health, or to physically injure the person’s self or others, if allowed to remain at liberty without treatment.
  - b. Lacks sufficient judgment to make responsible decisions with respect to the person’s hospitalization or treatment.
6. “*Clerk*” means the clerk of the district court.
7. “*Department*” means the Iowa department of public health.
8. “*Director*” means the director of the Iowa department of public health.
9. “*Facility*” means an institution, a detoxification center, or an installation providing care, maintenance and treatment for substance abusers licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.
10. “*Incapacitated by a chemical substance*” means that a person, as a result of the use of a chemical substance, is unconscious or has the person’s judgment otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to the need for treatment.
11. “*Incompetent person*” means a person who has been adjudged incompetent by a court of law.
12. “*Interested person*” means a person who, in the discretion of the court, is legitimately concerned that a respondent receive substance abuse treatment services.
13. “*Intoxicated person*” means a person whose mental or physical functioning is substantially impaired as a result of the use of a chemical substance.
14. “*Psychiatric advanced registered nurse practitioner*” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric health care and who is registered with the board of nursing as an advanced registered nurse practitioner.
15. “*Residence*” means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payments of costs attributable to its residents, the following rules shall apply:
  - a. If a person claims an Iowa homestead, then the person’s residence shall be in the county where that homestead is claimed, irrespective of any other factors.
  - b. If paragraph “a” does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person’s residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of age who are wards of this state.
  - c. If paragraphs “a” and “b” do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect

to county of residence, and payment of all costs shall be made by the department as provided in this chapter.

d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.

e. The provisions of this subsection shall not be used in any case to which section 125.43 is applicable.

16. “*Respondent*” means a person against whom an application is filed under section 125.75.

17. “*Substance abuse*” means the use of chemical substances by persons suffering from chemical dependency, persons who are incapacitated by a chemical substance, substance abusers, or chronic substance abusers.

18. “*Substance abuser*” means a person who habitually lacks self-control as to the use of chemical substances or uses chemical substances to the extent that the person’s health is substantially impaired or endangered or that the person’s social or economic function is substantially disrupted.

[C62, 66, §123A.1; C71, 73, §123A.1, 123B.1; C75, 77, §125.2; C79, 81, §125.2, 229.50; 81 Acts, ch 58, §1; 82 Acts, ch 1212, §1]

86 Acts, ch 1245, §1122; 89 Acts, ch 197, §21; 90 Acts, ch 1085, §1, 2; 2005 Acts, ch 175, §59, 60; 2008 Acts, ch 1082, §1

[SP] For future amendments to this section, effective July 1, 2012, see 2011 Acts, ch 121, §25 – 28, 62

[T] Section not amended; footnote added